

# Exhibit C

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: . Case No. 14-22147-rdd  
ORRIN S. ANDERSON, . Chapter 7  
Debtor. .  
. . . . .  
ORRIN S. ANDERSON, on behalf. Adv. Proc. 15-08214-rdd  
of himself and all others .  
similarly situated, .  
aka ORRIN ANDERSON, .  
aka ORRIN SCOTT ANDERSON, .  
Plaintiff, .  
v. .  
CREDIT ONE BANK, N.A. and . 300 Quarropas Street  
CREDIT ONE FINANCIAL, . White Plains, NY 10601  
Thursday, November 10, 2016  
Defendants. . 11:20 a.m.  
. . . . .

TRANSCRIPT OF CASE STATUS CONFERENCE  
BEFORE THE HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For the Defendants: White & Case LLP  
By: J. CHRISTOPHER SHORE, ESQ.  
ANDREW E. TOMBACK, ESQ.  
ERIN SMITH, ESQ.  
COLIN WEST, ESQ.  
1155 Avenue of the Americas  
New York, NY 10036-2787  
(212) 819-8394

APPEARANCES CONTINUED.

Audio Operator: Shea, ECRO

Transcription Company: Access Transcripts, LLC  
517 Dell Road  
Landing, NJ 07850  
(855) 873-2223  
[www.accesstranscripts.com](http://www.accesstranscripts.com)

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.

1 (Proceedings commence at 11:20 a.m.)

2 THE COURT: -- Credit One Bank.

3 You all can sit down. I'm sorry.

4 UNIDENTIFIED: Thank you, Your Honor.

5 THE COURT: Someone's getting them, right?

6 UNIDENTIFIED: Yeah.

7 THE COURT: Okay.

8 MR. SHORE: I'm sorry, Your Honor. We didn't realize  
9 you were --

10 THE COURT: It's okay. It was a shorter ruling than  
11 you may have expected.

12 MR. SHORE: I'm sorry?

13 THE COURT: My last matter was a shorter ruling than  
14 you may have expected, so you were still in the hall.

15 Okay. I know some of you. I don't know all of you,  
16 so you're free to introduce yourselves if you want.

17 MR. SHORE: Chris Shore from White & Case on behalf  
18 of Credit One Bank. With me is my partner, Andy Tomback. The  
19 Blank Rome people will introduce themselves. David Bouc, the  
20 general counsel of Credit One Bank, is here. In the back, I  
21 have Erin Smith and Colin West, who are my discovery team.

22 THE COURT: Okay. Good morning.

23 MR. SHORE: Good morning.

24 MR. BRESSLER: Ken Bressler, Your Honor, from Blank  
25 Rome for the Sherman entities, along with Jonathan Robbin.



1 THE COURT: Right. Okay.

2 All right. And Mr. Carpinello?

3 MR. CARPINELLO: George Carpinello, Boies, Schiller &  
4 Flexner; Adam Shaw, Boies, Schiller & Flexner; Chuck Juntikka.

5 MR. JUNTIKKA: You know, Your Honor.

6 THE COURT: Okay. Good morning.

7 I've scheduled this as a case conference as opposed  
8 to anything else, largely because of the correspondence I had  
9 received, including and starting with the appearance of new  
10 counsel for Credit One. And I want to give you my thinking on  
11 this matter, some of which is firm, but I want to hear from the  
12 parties as to where to proceed with next steps.

13 I have concluded, based on the post-trial briefing,  
14 that the appropriate sanction here is a default judgment on the  
15 merits, but not with respect to class certification or damages.  
16 I don't really want to hear parties argue about that. I didn't  
17 really contemplate further oral argument, having received the  
18 briefs which made their points, and in particular, in light of  
19 corroboration of how I was looking at Mr. Carpinello's request  
20 for additional discovery and the response, which corroborated  
21 my views on it, from White & Case, which is that the issue of  
22 what Credit One knew or didn't know or the extent of what it  
23 didn't know about what was going on with regard to the document  
24 response wasn't really why the point was raised in the post-  
25 hearing briefing. So I don't think that discovery is necessary



1 or really warranted. I think it's kind of a blind alley.

2 Frankly, the issue on the merits is a -- as Collier  
3 says, it's not a very difficult burden to get over that the  
4 credit reporting disclosures were done intentionally or with  
5 the purpose of thwarting the discharge. I hadn't gotten to the  
6 place where I concluded that that was -- that burden was  
7 carried simply by the extent and degree to which a credit  
8 reporter actually opposed the relief or the request for relief,  
9 but I think given the nature of the discovery abuses combined  
10 with the allegations in the complaint, a default's warranted  
11 here, again on the merits.

12 That does leave issues remaining in the case,  
13 obviously. I don't believe that -- I think the law is clear on  
14 this, that that default should extend to the class  
15 certification point -- and certainly not the damages. I  
16 haven't established damages.

17 So if the class is certified, then that's it. I  
18 mean, I don't need to hear the merits as to the breach of a  
19 discharge. So I think the parties should be focusing on  
20 discovery related to the class, and if you want to bifurcate it  
21 still, you can, or discovery can also at that point deal with  
22 damages.

23 Other parties in the similar class actions that had  
24 been brought by these plaintiffs have engaged in settlement  
25 discussions about damages, and frankly, I noted very clearly

